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PATENT**REMARKS**

The Office Action mailed March 30, 2004 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-60 are now pending in this application. Claims 1-60 are rejected.

The objections to Claims 1-60 due to informalities are respectfully traversed. Claims 1, 15, 26, 40, and 41 have been amended to recite "agent's". Claims 1, 15, 26, 40, 41, and 51 have been amended to recite "arrival". For the reasons set forth above, Applicants request that the objection to Claims 1-60 be withdrawn.

The rejection of Claims 1-25 and 41-60 under 35 U.S.C. § 101 as being directed to non-statutory subject matter is respectfully traversed.

The Office Action suggests at page 5 that Claims 1, 15, 41, and 51 "are not within the technological arts." Applicants respectfully traverse this suggestion. More specifically, Applicants submit that the claims of the present patent application are directed to practical applications in the technological arts. "Any sequence of operational steps can constitute a process within the meaning of the Patent Act so long as it is part of the technological arts." *In re Musgrave*, 431 F.2d 882 (C.C.P.A. 1970). For example, independent Claim 1 is a method directed to "managing a delivery schedule of an order using a system configured with a server which includes a goods delivery system, the system including at least one computing unit networked to the server." Applicants submit that managing a delivery schedule of an order using a system configured with a server which includes a goods delivery system, the system including at least one computing unit networked to the server is a useful process that is considered to be within "the technological arts".

One specific example of such a method implementation is calculating a first potential arrival date of the order to a respective delivery agent's location using the server system based on

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the order request date and the buyer's address. While the claims are not limited to the specific examples related to a system configured with a server which includes a goods delivery system, the system including at least one computing unit networked to the server, the claims need not be so restricted to satisfy the requirement of Section 101.

The Examination Guidelines for Computer-Related Inventions provides in relevant part as follows:

In order to determine whether the claim is limited to a practical application of an abstract idea, Office personnel must analyze the claim as a whole, in light of the specification, to understand what subject matter is being manipulated and how it is being manipulated. During this procedure, Office personnel must evaluate any statements of intended use or field of use, any data gathering step and any post-manipulation activity.... Only when the claim is devoid of any limitation to a practical application in the technological arts should it be rejected under § 101.

Applicants respectfully submit that Claims 1, 15, 41, and 51 are limited to a practical application in the technological arts. Claim 1 is a method directed to "managing a delivery schedule of an order using a system configured with a server which includes a goods delivery system, the system including at least one computing unit networked to the server". Thus, Applicants submit that Claim 1 is directed to a useful process that is considered to be within "the technological arts".

Furthermore, Claim 1 recites "a method of managing a delivery schedule of an order using a system configured with a server which includes a goods delivery system, the system including at least one computing unit networked to the server, the order being delivered from at least one supplier to a respective delivery agent, and from the delivery agent to a respective buyer, wherein the order comprises order information." The method includes the steps of "calculating a first potential arrival date of the order to a respective delivery agent's location using the server system based on the order request date and the buyer's address... determining the ability of the respective delivery agent to ship the order based the first potential arrival date

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request...and determining a delivery date to the buyer when there is sufficient delivery agent capacity to ship the order to the buyer's address." Thus, Claim 1 uses a server, a goods delivery system, and at least one computing unit networked to the server that are utilized to perform certain steps of the process. Claim 1 is therefore directed to a practical application in the technological arts.

Claim 15 is a method directed to "managing a delivery schedule of an order using a system configured with a server which includes a goods delivery system, the system including at least one computing unit networked to the server". Thus, Applicants submit that Claim 15 is directed to a useful process that is considered to be within "the technological arts".

Furthermore, Claim 15 recites "a method of managing a delivery schedule of an order using a system configured with a server which includes a goods delivery system, the system including at least one computing unit networked to the server, the order being delivered from at least one supplier to a respective delivery agent, and from the delivery agent to a respective buyer, wherein the order comprises order information." The method includes the steps of "calculating a first potential arrival date of the order to a respective delivery agent's location using the server system based on the order request date and the buyer's address... determining the ability of the respective delivery agent to ship the order within a set of potential delivery dates based the first potential arrival date request and the first date a respective delivery agent is prepared to ship the goods...and selecting the actual delivery date from said set of potential delivery dates." Thus, Claim 15 uses a server, a goods delivery system, and at least one computing unit networked to the server that are utilized to perform certain steps of the process. Claim 15 is therefore directed to a practical application in the technological arts.

Claim 41 is a method directed to "managing a delivery schedule of an multiple brand order using a system configured with a server which includes a goods delivery system, the system including at least one computing unit networked to the server." Thus, Applicants submit

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that Claim 41 is directed to a useful process that is considered to be within "the technological arts."

Furthermore, Claim 41 recites "a method of managing a delivery schedule of an multiple brand order using a system configured with a server which includes a goods delivery system, the system including at least one computing unit networked to the server, the order being delivered from at least two suppliers to a respective delivery agent, and from the delivery agent to a respective buyer, wherein the order comprises order information." The method includes the steps of "calculating a first potential arrival date of the order to a respective delivery agent's location using the server system based on the order request date and the buyer's address...determining the ability of the respective delivery agent to ship the multiple brand order from the at least two suppliers based the first potential arrival date request...and determining a delivery date to the buyer when there is sufficient delivery agent capacity to ship the order to the respective buyer's address." Thus, Claim 41 uses a server, a goods delivery system, and at least one computing unit networked to the server that are utilized to perform certain steps of the process. Claim 41 is therefore directed to a practical application in the technological arts.

Claim 51 is a method directed to "managing a delivery schedule of an multiple brand order using a system configured with a server which includes a goods delivery system, the system including at least one computing unit networked to the server." Thus, Applicants submit that Claim 51 is directed to a useful process that is considered to be within "the technological arts."

Furthermore, Claim 51 recites "a method of managing a delivery schedule of an multiple brand order using a system configured with a server which includes a goods delivery system, the system including at least one computing unit networked to the server, the order being delivered from at least two suppliers to a respective delivery agent, and from the delivery agent to a respective buyer, wherein the order comprises order information." The method includes the steps of "calculating a first potential arrival date of the order to a respective delivery agent's

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location using the server system based on the order request date and the buyer's address...determining the ability of the delivery agent to ship the order based the first potential arrival date request...and determining a delivery date to the buyer when there is sufficient delivery agent capacity to ship the order to the buyer's address." Thus, Claim 51 uses a server, a goods delivery system, and at least one computing unit networked to the server that are utilized to perform certain steps of the process. Claim 51 is therefore directed to a practical application in the technological arts.

For at least the reasons set forth above, Applicants respectfully request that the Section 101 rejection of Claims 1, 15, 41, and 51 be withdrawn.

Additionally, although Applicants believe the pending Claims are patentable under Section 101, if the 101 rejection is maintained, Applicants request clarification of the features of the invention that would render the claimed subject matter statutory if recited in the claims. See MPEP 2106 (B) "If the invention as set forth in the written description is statutory, but the claims define subject matter that is not, the deficiency can be corrected by an appropriate amendment of the claims. In such a case, Office personnel should reject the claims drawn to nonstatutory subject matter under 35 U.S.C. 101, but identify the features of the invention that would render the claimed subject matter statutory if recited in the claim".

The rejection of Claims 2-10, 13, 15-25, 27-35, 40, 42-50, and 52-60 under 35 U.S.C. § 112, second paragraph is respectfully traversed. Applicants respectfully submit that Claims 2-10, 13, 15-25, 27-35, 40, 42-50, and 52-60 satisfy the requirements of Section 112. Specifically, Claims 2, 16, 27, 42, and 52 have been amended to provide antecedent basis for "the step of calculating." Claims 5, 19, 30, 45, and 55 have been amended to remove "can" from the claims. Claims 13 and 38 have been amended to recite "delivery schedule." Claim 15 has been amended to remove the recitation of "can." Claims 40, 46, and 56 have been amended to recite "an electronic manifest." For at least the reasons set forth above, Applicants respectfully

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request that the Section 112 rejection of Claims 2-10, 13, 15-25, 27-35, 40, 42-50, and 52-60 be withdrawn.

The rejection of Claims 1-60 under 35 U.S.C. § 102(a) as being anticipated by Juedes et al. ("Juedes")(WO 01/13261) is respectfully traversed.

Juedes describes a system 100 that fulfill orders placed by a customer 104 from a provider 106 of a product over the internet 102. The provider sends the order information to an e-commerce hub 112 which arranges for transportation and delivery of the product. The hub software automatically selects, based on the order info and predetermined stored criteria, which of a plurality of predetermined carriers should be used to transport the product from the provider to the customer.

Claim 1 recites "a method of managing a delivery schedule of an order using a system configured with a server which includes a goods delivery system, the system including at least one computing unit networked to the server, the order being delivered from at least one supplier to a respective delivery agent, and from the delivery agent to a respective buyer, wherein the order comprises order information, said method comprising the steps of calculating a first potential arrival date of the order to a respective delivery agent's location using the server system based on the order request date and the buyer's address...determining the ability of the respective delivery agent to ship the order based the first potential arrival date request...and determining a delivery date to the buyer when there is sufficient delivery agent capacity to ship the order to the buyer's address."

Juedes does not describe or suggest a method of managing a delivery schedule of an order using a system configured with a server which includes a goods delivery system, wherein the method includes calculating a first potential arrival date of the order to a respective delivery agent's location using the server system based on the order request date and the buyer's address, determining the ability of the respective delivery agent to ship the order based the first potential arrival date request, and determining a delivery date to the buyer when there is sufficient delivery

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agent capacity to ship the order to the buyer's address. Moreover, Juedes does not describe or suggest "determining the ability of the respective delivery agent to ship the order based the first potential arrival date request, and determining a delivery date to the buyer when there is sufficient delivery agent capacity to ship the order to the buyer's address." Rather, in contrast to the present invention, Juedes describes a delivery system limited to the delivery of products from the supplier to the buyer. For the reasons set forth above, Claim 1 is submitted to be patentable over Juedes.

Claims 2-14 depend from independent Claim 1. When the recitations of Claims 2-14 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-14 likewise are patentable over Juedes.

Claim 15 recites "a method of managing a delivery schedule of an order using a system configured with a server which includes a goods delivery system, the system including at least one computing unit networked to the server, the order being delivered from at least one supplier to a respective delivery agent, and from the delivery agent to a respective buyer, wherein the order comprises order information, said method comprising the steps of calculating a first potential arrival date of the order to a respective delivery agent's location using the server system based on the order request date and the buyer's address...determining the ability of the respective delivery agent to ship the order within a set of potential delivery dates based the first potential arrival date request and the first date a respective delivery agent is prepared to ship the goods...and selecting the actual delivery date from said set of potential delivery dates."

Juedes does not describe or suggest a method of managing a delivery schedule of an order using a system configured with a server which includes a goods delivery system, the system including at least one computing unit networked to the server, the order being delivered from at least one supplier to a respective delivery agent, and from the delivery agent to a respective buyer, wherein the order comprises order information, said method comprising the steps of calculating a first potential arrival date of the order to a respective delivery agent's

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location using the server system based on the order request date and the buyer's address...determining the ability of the respective delivery agent to ship the order within a set of potential delivery dates based the first potential arrival date request and the first date a respective delivery agent is prepared to ship the goods...and selecting the actual delivery date from said set of potential delivery dates. Moreover, Juedes does not describe or suggest "determining the ability of the respective delivery agent to ship the order within a set of potential delivery dates based the first potential arrival date request and the first date a respective delivery agent is prepared to ship the goods...and selecting the actual delivery date from said set of potential delivery dates". Rather, Juedes describes a delivery system limited to the delivery of products from the supplier to the buyer. For the reasons set forth above, Claim 15 is submitted to be patentable over Juedes.

Claims 16-25 depend from independent Claim 15. When the recitations of Claims 16-25 are considered in combination with the recitations of Claim 15, Applicants submit that dependent Claims 16-25 likewise are patentable over Juedes.

Claim 26 recites "a computer program storage medium readable by a computer system and encoding a computer program of instructions for executing a computer process for managing deliveries of a goods delivery system, the system employed to deliver an order from at least one supplier to a respective delivery agent, and from the delivery agent to a respective buyer, given order information, said computer process comprising the steps of determining a first potential arrival date of the order to a respective delivery agent's location, based on the order request date and the buyer's address...determining the ability of the respective delivery agent to ship the order based on the first potential arrival date request: and determining a delivery date to the buyer when there is sufficient delivery agent capacity to ship the order to the buyer's address."

Juedes does not describe or suggest a computer program storage medium readable by a computer system and encoding a computer program of instructions for executing a computer process for managing deliveries of a goods delivery system, the system employed to deliver an

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order from at least one supplier to a respective delivery agent, and from the delivery agent to a respective buyer, given order information, said computer process comprising the steps of determining a first potential arrival date of the order to a respective delivery agent's location, based on the order request date and the buyer's address...determining the ability of the respective delivery agent to ship the order based on the first potential arrival date request: and determining a delivery date to the buyer when there is sufficient delivery agent capacity to ship the order to the buyer's address". Moreover, Juedes does not describe or suggest "determining the ability of the respective delivery agent to ship the order based on the first potential arrival date request: and determining a delivery date to the buyer when there is sufficient delivery agent capacity to ship the order to the buyer's address". Rather, Juedes describes a delivery system limited to the delivery of products from the supplier to the buyer. For the reasons set forth above, Claim 26 is submitted to be patentable over Juedes.

Claims 27-39 depend from independent Claim 26. When the recitations of Claims 27-39 are considered in combination with the recitations of Claim 26, Applicants submit that dependent Claims 27-39 likewise are patentable over Juedes.

Claim 40 recites "an apparatus for managing the delivery of an order from at least one supplier to a respective delivery agent, and from the delivery agent to a respective buyer, given order information, said apparatus comprising means for determining a first potential arrival date of the order to a respective delivery agent's location, based on the order request date and the buyer's address...means for determining the ability of the respective delivery agent to ship the order based on the first potential arrival date request...means for determining a delivery date to the buyer when there is sufficient delivery agent capacity to ship the order to the buyer's address...and means for updating an electronic manifest indicating the order ship date and the additional capacity utilized."

Juedes does not describe or suggest an apparatus for managing the delivery of an order from at least one supplier to a respective delivery agent, and from the delivery agent to a

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respective buyer, given order information, said apparatus comprising means for determining a first potential arrival date of the order to a respective delivery agent's location, based on the order request date and the buyer's address...means for determining the ability of the respective delivery agent to ship the order based on the first potential arrival date request...means for determining a delivery date to the buyer when there is sufficient delivery agent capacity to ship the order to the buyer's address...and means for updating an electronic manifest indicating the order ship date and the additional capacity utilized. Moreover, Juedes does not describe or suggest "means for determining the ability of the respective delivery agent to ship the order based on the first potential arrival date request...means for determining a delivery date to the buyer when there is sufficient delivery agent capacity to ship the order to the buyer's address...and means for updating an electronic manifest indicating the order ship date and the additional capacity utilized". Rather, Juedes describes a regeneration tank positioned within and in flow communication with a water softener assembly. For the reasons set forth above, Claim 40 is submitted to be patentable over Juedes.

Claim 41 recites "a method of managing a delivery schedule of an multiple brand order using a system configured with a server which includes a goods delivery system, the system including at least one computing unit networked to the server, the order being delivered from at least two suppliers to a respective delivery agent, and from the delivery agent to a respective buyer, wherein the order comprises order information, said method comprises the steps of calculating a first potential arrival date of the order to a respective delivery agent's location using the server system based on the order request date and the buyer's address...determining the ability of the respective delivery agent to ship the multiple brand order from the at least two suppliers based the first potential arrival date request...and determining a delivery date to the buyer when there is sufficient delivery agent capacity to ship the order to the respective buyer's address."

Juedes does not describe or suggest a method of managing a delivery schedule of an multiple brand order using a system configured with a server which includes a goods delivery

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system, the system including at least one computing unit networked to the server, the order being delivered from at least two suppliers to a respective delivery agent, and from the delivery agent to a respective buyer, wherein the order comprises order information, said method comprises the steps of calculating a first potential arrival date of the order to a respective delivery agent's location using the server system based on the order request date and the buyer's address...determining the ability of the respective delivery agent to ship the multiple brand order from the at least two suppliers based the first potential arrival date request...and determining a delivery date to the buyer when there is sufficient delivery agent capacity to ship the order to the respective buyer's address. Moreover, Juedes does not describe or suggest "calculating a first potential arrival date of the order to a respective delivery agent's location using the server system based on the order request date and the buyer's address...determining the ability of the respective delivery agent to ship the multiple brand order from the at least two suppliers based the first potential arrival date request...and determining a delivery date to the buyer when there is sufficient delivery agent capacity to ship the order to the respective buyer's address". Rather, Juedes describes a delivery system limited to the delivery of products from the supplier to the buyer. For the reasons set forth above, Claim 41 is submitted to be patentable over Juedes.

Claims 42-50 depend from independent Claim 41. When the recitations of Claims 42-50 are considered in combination with the recitations of Claim 41, Applicants submit that dependent Claims 42-50 likewise are patentable over Juedes.

Claim 51 recites "a method of managing a delivery schedule of an multiple brand order using a system configured with a server which includes a goods delivery system, the system including at least one computing unit networked to the server, the order being delivered from at least two suppliers to a respective delivery agent, and from the delivery agent to a respective buyer, wherein the order comprises order information, said method comprises the steps of calculating a first potential arrival date of the order to a respective delivery agent's location using the server system based on the order request date and the buyer's address...determining the ability of the delivery agent to ship the order based the first potential arrival date request...and

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determining a delivery date to the buyer when there is sufficient delivery agent capacity to ship the order to the buyer's address."

Juedes does not describe or suggest a method of managing a delivery schedule of an multiple brand order using a system configured with a server which includes a goods delivery system, the system including at least one computing unit networked to the server, the order being delivered from at least two suppliers to a respective delivery agent, and from the delivery agent to a respective buyer, wherein the order comprises order information, said method comprises the steps of calculating a first potential arrival date of the order to a respective delivery agent's location using the server system based on the order request date and the buyer's address...determining the ability of the delivery agent to ship the order based the first potential arrival date request...and determining a delivery date to the buyer when there is sufficient delivery agent capacity to ship the order to the buyer's address. Moreover, Juedes does not describe or suggest "calculating a first potential arrival date of the order to a respective delivery agent's location using the server system based on the order request date and the buyer's address...determining the ability of the delivery agent to ship the order based the first potential arrival date request...and determining a delivery date to the buyer when there is sufficient delivery agent capacity to ship the order to the buyer's address". Rather, Juedes describes a delivery system limited to the delivery of products from the supplier to the buyer. For the reasons set forth above, Claim 51 is submitted to be patentable over Juedes.

Claims 52-60 depend from independent Claim 51. When the recitations of Claims 52-60 are considered in combination with the recitations of Claim 51, Applicants submit that dependent Claims 52-60 likewise are patentable over Juedes.


For the reasons set forth above, Applicants respectfully request that the Section 102 rejection of Claims 1-60 be withdrawn.

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In view of the foregoing remarks, this application is believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,

  
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